

REMARKS

Claims 1, 6, 11 and 16-24 are pending in this application. Non-elected claims 1-10 are withdrawn from consideration by the Examiner. By this Amendment, claims 1, 6 and 11 are amended, claims 2-5 and 7-10 are canceled, and claims 21-24 are added. Support for the amendments to the claims and the new claims may be found, for example, in the specification at paragraph [0037], and in the original claims. No new matter is added.

In view of the foregoing amendments and the following remarks, reconsideration and allowance are respectfully requested.

I. Personal Interview

The courtesies extended to Applicants' representative by Examiner Anderson at the interview held July 9, 2010, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

II. Rejections Under 35 U.S.C. §103

A. Claims 11 and 17

The Office Action rejects claims 11 and 17 under 35 U.S.C. §103(a) as having been obvious over JP 61-263917 to Hiroyoshi et al. ("Hiroyoshi") and U.S. Patent No. 6,723,732 to Sugita et al. ("Sugita") in view of JP 10-265373 to Koide et al. ("Koide") and JP 63-203613 to Akira et al. ("Akira"). Applicants respectfully traverse the rejection.

Claim 11 requires that "the percutaneous absorption type pharmaceutical composition comprises one or more of talc, lactic acid, isopropanol and polysorbate 80." As discussed and agreed upon during the interview, the applied references do not appear to disclose a percutaneous absorption type pharmaceutical composition comprising talc, lactic acid, isopropanol or polysorbate 80. Upon closer review of the applied references, Applicants

confirm that the compositions disclosed in the applied references do not comprise any such components.

Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

B. Claims 11 and 16-20

The Office Action rejects claims 11 and 16-20 under 35 U.S.C. §103(a) as having been obvious over Hiroyoshi and Sugita in view of Koide and Akira, and further in view of EP 0 974 350 to Mori et al. ("Mori"). Applicants respectfully traverse the rejection.

As discussed above, claim 11 requires that "the percutaneous absorption type pharmaceutical composition comprises one or more of talc, lactic acid, isopropanol and polysorbate 80." As agreed upon during the personal interview, Mori does not disclose a percutaneous absorption type pharmaceutical composition comprising talc, lactic acid, isopropanol or polysorbate 80.

Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

III. New Claims

By this Amendment, new claims 21-24 are presented. New claims 21-24 depend from claim 11 and, thus, are believed to distinguish over the applied references for at least the same reasons as discussed above with respect to claim 11.

Accordingly, prompt examination and allowance of claims 21-24 are respectfully requested.

IV. Rejoinder

Applicants respectfully request rejoinder of non-elected claims 1 and 6. This application is subject to unity of invention practice as set forth in PCT Rule 13. *See* MPEP §1893.03(d). Because claims 1 and 6 are substantially coextensive with claim 11, they share

at least one special technical feature with claim 11. Claims 24-33 variously depend from claims 1 or 6. Thus, unity of invention exists between all the claims. Applicants respectfully request withdrawal of the Restriction Requirement and rejoinder of claims 1 and 6.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Request for Continued Examination

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